

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

Form Instructions: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

Requesting Department's Contract Administrator:	John Smith	Office/Division/Program of Contract Administrator:	DHHS/OSAMHS
Est. Contract Amount:	\$ 90,0000	Contract or RQS Number:	CT - 10A - 2016xxxxxxx
Proposed Start Date:	1/1/2016	Proposed End Date:	12/31/2016
Vendor/Provider Name, City, State	XYZ Inc. Boston, MA		
Short Description of Good or Service:	Training Units & Consultation		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: _____ To: _____	
Notice of Intent to Waive Competitive Bidding Number:		NOI#:	
1. Statutory Justification State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.			
<input type="checkbox"/>	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
<input type="checkbox"/>	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
<input type="checkbox"/>	<i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> Signature: N/A Printed Name: _____ Date: _____	
<input checked="" type="checkbox"/>	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the State from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;		
<input type="checkbox"/>	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Purchases "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>		
<input type="checkbox"/>	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;		
<input type="checkbox"/>	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

Please note that the following four points below (#2 through 5) all require a response.

2. Description of Specific Need

Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

The ABC Model Training & Consultation Program (ABC Program) is needed to carry out a portion of the 123 Initiative Grant, which was awarded to the State by the federal government. Consultants specializing in the ABC Program, and employed by XYZ, Inc., will provide training units to agency personnel on ABC guidelines and associated practices. The ABC Program is a transition process implemented for youth ages 14-29, who are experiencing emotional/behavioral difficulties which impact their transition to adulthood.

State of Maine statute (34-B MRSA §6204(1)(A)) directs the Department of Health and Human Services to strengthen the capacity of families, natural helping networks, self-help groups and other community resources to support and serve children in need of treatment. Family organizations and youth peer programs are a critical component of these community resources and they have the ability to offer advocacy and family guidance and counseling (Parts (1)(C)(1) and (1)(C)(6) of the aforementioned statute), family education and training (34-B MRSA §1801(2)(R)), as well as self-help, peer support, and information and referrals.

3. Availability of other Public Resources

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

Staffing and expertise related to these services currently do not exist within state government or other public resources. In determining this, the Department communicated with other state departments, local agencies, and federal agencies that share similar missions to the Department and would most likely have the need for services such as these.

4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The Department had determined that the cost of these services is fair and reasonable. This conclusion was reached through DHHS contacting other recipient states of the 123 Initiative Grant who have also contracted for these services. The Department confirmed that all other recipient states are using XYZ, Inc. -- the vendor identified in this request -- at the same contracted rates and costs that the State of Maine has been offered. Those contracts were used as a basis for the state's contract negotiations with the XYZ, Inc. in determining Maine's contract amount. The other recipient states that were identified for this analysis are New Hampshire, Vermont, Massachusetts, Iowa and South Dakota.

5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

The Department will continue to follow the 123 Initiative Grant requirements. Should another transition model, other than the ABC Program, be approved that is non-proprietary, or if this model and services become available via multiple vendors, the Department will obtain these services by the most appropriate means, including a competitive process such as releasing a RFP.

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

Please note that only one of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.

6. Uniqueness

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The ABC Model Training & Consultation Program (ABC Program) is the approved transition model for the 123 Initiative Grant. The ABC Program is proprietary and only available through XYZ, Inc.

The ABC Program is the only evidence-supported practice that has been shown to be effective in improving the progress and outcomes of youth and young adults with emotional/behavioral difficulties. XYZ, Inc. developed the ABC model and is the purveyor of the ABC Program. XYZ, Inc. collaborates with community agencies across North America to provide effective training and customized consultation to achieve the sustainable implementation of evidence-based practices. XYZ, Inc. is also responsible for defining and applying the certification standards for the implementation and sustainability of the ABC model.

When the Department contacted the other recipient states of the 123 Initiative Grant to help in determining contract costs, it was also confirmed all of those states were using the ABC Model Training and Consultation Program.

7. Timeframe

Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

This request for a non-competitive contract is based on the identified vendor's uniqueness in providing the requested services. It is not based on an urgent "timeframe" requirement.

Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.

Jane Q. Commissioner

Printed Name:

Jane Q. Commissioner

Date:

6/12/2015